

## MRS. REITA M. LARY

---

MAY 14, 1942.—Ordered to be printed

---

Mr. STEWART, from the Committee on Claims, submitted the following

## REPORT

[To accompany S. 2099]

The Committee on Claims, to whom was referred the bill (S. 2099) for the relief of Mrs. Reita M. Lary, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

This bill, which has the approval of the Securities and Exchange Commission, provides for the payment of \$1,266.16 to Mrs. Reita M. Lary, of Denver, Colo., representing compensation for the accrued leave due her husband, Howard N. Lary, who died on August 6, 1941, while he was an employee of the Securities and Exchange Commission in its regional office at Denver, Colo.

At the time of his death Mr. Lary was regional administrator of the Denver office of the Securities and Exchange Commission. His salary at that time was \$6,000 per annum. The records of the Commission indicate that as of the close of business on August 6, 1941, there were 60 days annual leave and 55 days 1 hour sick leave to his credit.

In reporting on the merits of the bill the Chairman of the Commission makes the following statement:

Under existing regulations and decisions of the Comptroller General a person must have a status as an employee of the Federal Government to retain his rights to accrued and current annual leave. I have no doubt but that there are many cases in which this causes a hardship to the families of employees who sacrifice the taking of leave in order to complete urgent assignments even when it is known that their health is impaired. We are informed that notwithstanding Mr. Lary's poor health he continued to work and sacrificed his leave to complete rush cases. Under the circumstances, the Commission would be glad to have the family of such an employee compensated for the leave due the deceased.

Since this seems to be an exceptional case, in that Mr. Lary did not take a vacation because of urgent assignments, even though he was urged to by his doctor, your committee recommend favorable action on the bill for Mrs. Lary's relief.

The following communications are appended hereto and made a part of this report.

SECURITIES AND EXCHANGE COMMISSION,  
Washington, December 23, 1941.

The Honorable PRENTISS M. BROWN,  
Chairman, Committee on Claims,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: I wish to acknowledge receipt of your letter of December 10, 1941, which concerns bill S. 2099 now pending before your committee. This bill would authorize the payment of \$1,266.16 to Mrs. Reita M. Lary, of Denver, Colo., as compensation for the accrued leave to the credit of her late husband, Mr. Howard N. Lary, who died on August 6, 1941.

At the time of his death Mr. Lary was regional administrator of the Denver office of the Securities and Exchange Commission. His salary at that time was \$6,000 per annum. The records of the Commission indicate that as of the close of business on August 6, 1941, there were 60 days annual leave and 53 days 1 hour sick leave to his credit.

You ask for an expression of our opinion on the merits of the claim. Under existing regulations and decisions of the Comptroller General, a person must have a status as an employee of the Federal Government to retain his rights to accrued and current annual leave. I have no doubt but that there are many cases in which this causes a hardship to the families of employees who sacrifice the taking of leave in order to complete urgent assignments even when it is known that their health is impaired. We are informed that notwithstanding Mr. Lary's poor health he continued to work and sacrificed his leave to complete rush cases.

Under the circumstances, the Commission would be glad to have the family of such an employee compensated for the leave due the deceased.

Sincerely yours,

EDWARD C. EICHER, Chairman.

UNITED STATES SENATE,  
COMMITTEE ON MILITARY AFFAIRS,  
December 8, 1941.

Hon. PRENTISS M. BROWN,  
Chairman, Senate Claims Committee, Washington, D. C.

DEAR SENATOR BROWN: I have today introduced a bill for the relief of Mrs. Reita M. Lary, of Denver, Colo. A copy is attached for your information, but I should like to give you some further facts concerning this case.

Mr. Lary was employed by the Securities and Exchange Commission in Denver until the time of his death, August 6, 1941, and it appears that there is no way under the statute by which Mrs. Lary can be paid the amount of her deceased husband's accumulated leave, which amounts to \$1,266.16. Following is his leave record as it appears on the records of the Denver office of the Commission:

Accumulated to Jan. 1, 1941.....	60	0	00
Current through Aug. 5, 1941.....	15	3	40
Total due.....	75	3	40
Used during 1941.....	15	4	30
Balance due at time of death.....	59	6	10

Were the estate to be paid for the annual leave earned, accumulated and current, to the date of Mr. Lary's death, the 59 days 6 hours would go through 1 p. m., October 22, 1941. In actual money, at \$6,000 a year, this would equal \$1,266.16. This computation does not include annual leave which would have been earned from the date of death, August 6, 1941, to October 22. In cases of resignations, annual leave accrues while former employee is on leave just as it does while employee is on duty.

Since Mr. Lary did not take a vacation so that other members of the personnel could take their respective vacations, even though his doctor urged him to take a vacation, and since he would have received this amount of money, I do feel that Mrs. Lary is entitled to the payment.

Your favorable consideration of this bill will be greatly appreciated by me.

Sincerely yours,

ED. C. JOHNSON.